

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

**RONALD COX,**

**Plaintiff,**

**Civil Action No  
1:19-cv-00031**

**vs.**

**DEPUTY WARDEN BENJIE NOBLES,  
OFFICER CRUMP,  
WARDEN PERRY,  
SARGENT DAVIS,  
WARDEN TED PHILBIN, and  
UNIT MANAGER HARRIS,**

**Defendants.**

**AMENDED COMPLAINT**

Plaintiff, Ronald Cox, files this Amended Complaint in accordance to Rule 15 (a)(2) which should be filed as a matter of course and is pursuant 42 U.S.C. § 1983, and states as follows:

**PLAINTIFF**

1.

Plaintiff Cox was incarcerated at Autry State Prison, Central State Prison, and Augusta State Medical Prison in the Georgia Department of Corrections which are within the Southern District of Georgia. Plaintiff Cox was released as of September 3, 2018.

## **DEFENDANTS**

2.

The Defendant Benjie Nobles was at all times relevant and a Corrections Officer officers employed at the Autry State Prison in Augusta, Georgia. The Defendant Benjie Nobles be served with process at Autry State Prison located at 3178 Mount Zion Church Road Pelham, GA 31779.

3.

The Defendant Officer Crump was at all times relevant a Corrections Officer and employed at the Autry State Prison in Augusta, Georgia. The Defendant Officer Crump may be served with process at Augusta State Medical Prison located at 3001 Gordon Highway, Grovetown, GA 30813 which is within the Southern District of Georgia.

4.

Warden Perry at Central State Prison was at all times relevant employed at Central State Prison in Macon, Georgia. The Defendant may be served with process at Central State Prison located at 4600 Fulton Mill Road Macon, GA 31208 which is within the Southern District of Georgia.

5.

The Defendants Sgt. Davis, Warden Ted Philbin, and Unit Manager Harris were at all times relevant officers employed at the Augusta State Medical prison in Augusta, Georgia. The Defendants may be served with process at Augusta State Medical Prison located at 3001 Gordon Highway, Grovetown, GA 30813 which is within the Southern District of Georgia.

6.

Unit Manager Harris was at all times relevant an officer employed at the Augusta State Medical Prison in Augusta, Georgia. The Defendants' may be served with process at Augusta State Prison located for

### **JURISDICTION**

7.

Jurisdiction for this action is pursuant to 28 U.S.C. § 1331 and arises under the Constitution of the United States and 42 U.S.C. § 1983.

### **VENUE**

8.

Venue is proper pursuant to 28 U.S.C. § 1391 in the United States District Court for the Southern District of Georgia where at all times relevant the acts of the Defendants occurred giving rise to this cause of action within the Southern District of Georgia.

## **PREREQUISITES TO FILING**

9.

Plaintiff has no prerequisites to filing as required under the Prison Litigation Reform Act, 42 U.S.C. § 1997e as he is no longer incarcerated.

## **OPERATIVE FACTS**

10.

Plaintiff Cox who at all times relevant was an inmate at Autry State Prison, Central State Prison, and Augusta State Medical Prison receiving transgender injections of estrogen which caused him to exhibit female breasts and hips, and as well as other female features. Even though Plaintiff requested protection in accordance with PREA from Warden of every prison in which he was incarcerated, Plaintiff was continually subject to physical and sexual attacks by other inmates to which the Defendants were deliberately indifferent in failing to protect him from attacks by other inmates and to transfer him to P.R.E.A segregated dormitory.

11.

On April 27, 2017 at Autry State Prison Plaintiff filed a P.R.E.A complaint which was reviewed Deputy Warden Benjie Nobles who had Plaintiff moved into a cell with Rashad Stanford who sexually assaulted and threatened him with a weapon.

12.

Plaintiff Cox reported the sexual assault to Officer Crump who took no action to remove Plaintiff Cox from the cell. Plaintiff Cox also reported to Officer Crump after the assault that Rashad Stanford had a shank. Officer Crump did nothing to remove the shank or to remove Plaintiff Cox from his cell with inmate Stanford.

13.

After the assault and threat by Stanford, Plaintiff Cox immediately filed a PREA with Unit Manager Hodge. An investigation by PREA was done by Warden Benjie Nobles who did made no action to remove Plaintiff Cox into a PREA dorm. When Plaintiff Cox asked to be put in a PREA dorm, Warden Benjie Nobles replied that there were no PREA dorms there and no need for them because the prison was safe as is. No action was made to remove Plaintiff Cox or Rashad from the cell or dorm with one another.

14.

Plaintiff Cox was sent to the hospital for medical attention following the assault. Upon returning to the prison, Plaintiff Cox was transferred out of the cell with Rashad and placed on lockdown for 30 days until he was transferred to Central State Prison.

15.

When Plaintiff was transferred to Central State Prison he was not placed in a safe environment provided by PREA which Warden Perry of which he requested PREA protection from Warden Perry and filed grievances about not being protected in accordance with PREA. On August 9, 2018 Plaintiff Cox was attacked from behind by Benjamin Israel while watching television at Central State Prison. Plaintiff Cox was hit so hard that he fell to the ground. His attacker proceeded to kick him in the abdomen and punch him continuously. No officer broke up the fight. The prison was short staffed and there was one officer watching four pods.

16.

When Plaintiff was transferred to Augusta State Medical Prison he was not placed in a safe environment provided by PREA which Warden Philbin of which he requested PREA protection from Warden Philbin and filed grievances about not being protected in accordance with PREA. Plaintiff Cox remained at Augusta State Medical Prison from December 2017 through July 2018.

17.

On April 13, 2018, Officials at Augusta State Medical Prison became aware of a fight that occurred between Plaintiff Cox and Terry Frasier. The

altercation began when Frasier saw Cox come in the shower where Frasier was masturbating in which Frasier thought Plaintiff Cox was watching. Frasier then threatened to “wet” Plaintiff Cox. That same day Frasier pulled out a shank on Plaintiff Cox to which Cox fought back with a lock in a sock.

18.

No action was taken by Sgt. Young when made aware of the fight. Plaintiff was told nothing could be done until a peer coordinator arrived which never happened. No further action was taken to remove Plaintiff Cox or Terry Frasier.

19.

Plaintiff filed a PREA regarding the fight with Terry Frasier. The PREA was filed with Counselor Taylor who reported it to Sgt. Harris. It was 30 days (May 17, 2018) before an investigation took place.

20.

The morning of the following Monday, May 21, 2018, at Augusta State Medical Prison, Plaintiff Cox returned to Sgt. Harris to ask why Frasier had not been moved from the cell to which Sgt. Harris replied that Plaintiff Cox should be moved. Although Plaintiff Cox was removed from the cell, Frasier remained in the dorm Plaintiff Cox.

21.

On May 21, 2018 Plaintiff Cox was critically stabbed by Terry Frasier and hospitalized for six days for his injuries. Upon being released from the hospital Plaintiff was placed on lockdown in a PREA dorm.

### **CAUSE OF ACTION**

22.

Defendants failed to protect Plaintiff Cox from physical and sexual attacks for which they were deliberately indifferent while Plaintiff was incarcerated at Autry State Prison, Central State Prison, and Augusta State Medical prison. As the Complaint alleges that all wardens were notified of the transgender status of the Plaintiff, and PREA requires that the wardens take affirmative steps to classify such transgender individuals who are at risk of sexual attack such as the Plaintiff and takes steps to protect them from attacks by other inmates and to transfer them to PREA segregated facilities or dormitories. The wardens took no steps and were deliberately indifferent to the Plaintiff's sexual status as well as not taking any steps to house him in a protected and segregated environment.

23.

Defendants Benjie Nobles and Officer Crump at Autry State Prison and Sgt. David and Unit Manager Harris at Augusta State Medical Prison acted



with reckless disregard and were deliberately indifferent in their duty to protect Plaintiff with serious physical injury and sexual attacks by other inmates in violation of Plaintiff's civil rights.

24.

Defendant Warden Perry at Central State Prison acted with deliberate indifference to his duty to protect Plaintiff from serious injury and sexual attacks by other inmates in violation of Plaintiff's civil rights.

25.

Defendants Sgt. Davis and Unit Manager Harris at Augusta State Medical Prison acted with deliberate indifference to his duty to protect Plaintiff from serious injury and sexual attacks by other inmates in violation of Plaintiff's civil rights.

26.

Plaintiff Cox brings this action against the Defendants in their individual capacities for damages who under color of law have caused or have been deliberately indifferent to the substantial risk of serious harm.

27.

Defendants in their individual capacities knew that their action and deliberate indifference would pose a substantial risk of serious harm to Plaintiff Cox in violation of the Constitution and laws of the United States and

the Constitution and law of the State of Georgia. The actions of the Defendant under color of law violated clearly established constitutional rights of which they knew or a reasonable person would have known. The pre-existing law was apparent and its contours sufficiently clear that they should have understood that what the Defendants were doing in exposing Plaintiff Cox to substantial risk of serious harm by failing to Protect Plaintiff Cox from potential and the actual resulting attack by other inmates violated the Eighth Amendment of the Constitution and law of the United States and the Constitution and laws of the State of Georgia.

28.

Plaintiff Cox is entitled to recover damages as provided by law from the Defendants in their individual capacities in compensation for the injuries that he received because of actions and deliberate indifference of the Defendants he is entitled in this proceeding.

WHEREFORE, Plaintiff Cox prays:

- (1) That the Plaintiff Cox be awarded compensatory damages, against that Defendants in their individual capacities for their deliberate indifference in failing to maintain adequate security and other minimum security measures to protect Plaintiff Cox from the violent and sexual attacks by another inmates and his resulting injuries in

violation of the Eighth Amendment of the United States Constitution,  
the laws of the United States, the Georgia Constitution and the laws of  
the State of Georgia;

(2) That the Court award attorney's fees and the costs of this action;

(3) That the Court award such other relief as may be proper:

(4) That this case be tried by jury.

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/S/ McNeill Stokes  
McNeill Stokes  
Georgia Bar Number 683600  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

This is to certify that on this date a true and correct copy of the forgoing Amended Complaint has been e-filed with the Clerk, which will notify via email all attorneys of record.

This 8th day of August, 2019.

/S/ McNeill Stokes

McNeill Stokes

Georgia Bar Number 683600

Attorney for Plaintiff

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